

1 Brian C. Rocca, S.B. #221576
brian.rocca@morganlewis.com
2 Sujal J. Shah, S.B. #215230
sujal.shah@morganlewis.com
3 Michelle Park Chiu, S.B. #248421
michelle.chiu@morganlewis.com
4 Minna Lo Naranjo, S.B. #259005
minna.naranjo@morganlewis.com
5 Rishi P. Satia, S.B. #301958
rishi.satia@morganlewis.com
6 **MORGAN, LEWIS & BOCKIUS LLP**
One Market, Spear Street Tower
7 San Francisco, CA 94105
Telephone: (415) 442-1000
8
Richard S. Taffet, *pro hac vice*
9 richard.taffet@morganlewis.com
10 **MORGAN, LEWIS & BOCKIUS LLP**
101 Park Avenue New York, NY 10178
Telephone: (212) 309-6000
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Glenn D. Pomerantz, S.B. #112503
glenn.pomerantz@mto.com
Kuruvilla Olasa, S.B. #281509
kuruvilla.olasa@mto.com
MUNGER, TOLLES & OLSON LLP
350 South Grand Avenue, Fiftieth Floor
Los Angeles, California 90071
Telephone: (213) 683-9100
Kyle W. Mach, S.B. #282090
kyle.mach@mto.com
Justin P. Raphael, S.B. #292380
justin.raphael@mto.com
Emily C. Curran-Huberty, S.B. #293065
emily.curran-huberty@mto.com
MUNGER, TOLLES & OLSON LLP
560 Mission Street, Twenty Seventh Floor
San Francisco, California 94105
Telephone: (415) 512-4000
Jonathan I. Kravis, *pro hac vice*
jonathan.kravis@mto.com
MUNGER, TOLLES & OLSON LLP
601 Massachusetts Avenue NW, Suite 500E
Washington, D.C. 20001
Telephone: (202) 220-1100

Counsel for Defendants Google LLC, et al.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA,
SAN FRANCISCO DIVISION**

IN RE GOOGLE PLAY STORE ANTITRUST LITIGATION

This Document Relates To:

In re Google Play Consumer Antitrust Litigation, Case No. 3:20-cv-05761-JD

State of Utah et al. v. Google LLC et al., Case No. 3:21-cv-05227-JD

Case No. 3:21-md-02981-JD

**DECLARATION OF JUSTIN P.
RAPHAEL IN SUPPORT OF
DEFENDANTS' MOTION TO
EXCLUDE MERITS OPINIONS
OF DR. HAL J. SINGER**

Judge: Hon. James Donato

1 I, Justin Raphael, declare as follows:

2 I am an attorney duly admitted to practice law in the State of California and before this
3 Court. I am a Partner at Munger, Tolles & Olson LLP, and represent the Defendants in this
4 action. I submit this Declaration in support of Defendants' Motion to Exclude the Merits
5 Opinions of Dr. Hal J. Singer. The contents of this declaration are based on my personal
6 knowledge, including my personal knowledge of the documents cited herein. The facts set forth
7 herein are within my personal knowledge and, if called as a witness, I could and would
8 competently testify to them.

9 **Exhibit 1** is a true and correct copy of the Updated Merits Report of Hal J. Singer, Ph.D.,
10 dated October 19, 2022.

11 **Exhibit 2** is a true and correct copy of the expert report of Dr. Gregory K. Leonard, dated
12 November 18, 2022.

13 **Exhibit 3** is a true and correct copy of excerpts of the transcript of the deposition of Marc
14 S. Rysman, Ph.D., dated March 10, 2023.

15 **Exhibit 4** is a true and correct copy of excerpts of the transcript of the deposition of Hal J.
16 Singer, Ph.D., dated April 4, 2023.

17 **Exhibit 5** is a true and correct copy of excerpts of the transcript of the July 19, 2022
18 hearing in this matter.

19 **Exhibit 6** is a true and correct copy of the Merits Rebuttal Report Errata of Hal J. Singer,
20 Ph.D., dated January 6, 2023.

21 **Exhibit 7** is a true and correct copy of excerpts of the transcript of the deposition of Hal J.
22 Singer, Ph.D., dated May 12, 2022.

23 **Exhibit 8** is a true and correct copy of Kenneth Train, *Logit*, in *Discrete Choice Methods*
24 *with Simulation*, 48 (Cambridge Univ. Press 2009), marked as Defense Exhibit 1114 at the merits
25 deposition of Dr. Singer.

26 **Exhibit 9** is a true and correct copy of Daniel L. McFadden, *Economic Choices*, Nobel
27 Prize Lecture (Dec. 8, 2000), pp. 330–365, marked as Defense Exhibit 1116 at the merits
28 deposition of Dr. Singer.

Exhibit 10 is a true and correct copy of Gregory J. Werden & Luke M. Froeb, *The Effects of Mergers in Differentiated Products Industries: Logit Demand and Merger Policy*, 10 Journal of Law, Economics & Organization 407 (Oxford Univ. Press 1994).

Exhibit 11 is a true and correct copy of Daniel L. McFadden, “Econometric Models of Probabilistic Choice,” in *Structural Analysis of Discrete Data with Econometric Applications*, 1981, pp. 222–223 (MIT Press, Cambridge 1981).

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on this 20th day of April in San Francisco, California.

By: /s/ Justin P. Raphael
Justin P. Raphael